

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GTE MOBILNET OF KENTUCKY)
INCORPORATED FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A PERSONAL)
COMMUNICATIONS SERVICE FACILITY IN THE)
CINCINNATI-DAYTON MAJOR TRADING AREA) CASE NO. 96-376
("MTA") WHICH INCLUDES BOONE, KENTON,)
CAMPBELL, GALLATIN, GRANT, PENDLETON,)
BRACKEN, MASON, LEWIS, GREENUP, CARTER,)
BOYD, ELLIOTT, LAWRENCE, JOHNSON, MARTIN,)
FLOYD AND PIKE COUNTIES, KENTUCKY ("CVG)
NO. 18/GOOD SHEPHERD FACILITY"))

O R D E R

The Commission has received the attached letter from Jeffrey S. Earlywine on behalf of the Fort Thomas Planning Commission regarding the proposed telecommunications services facility to be located at 930 Highland Avenue, Ft. Thomas, Campbell County, Kentucky.

IT IS THEREFORE ORDERED that:

1. GTE Mobilnet Incorporated ("GTE Mobilnet") shall respond to Mr. Earlywine's concerns by certified letter, within 10 days from the date of this Order.
2. GTE Mobilnet shall file a copy of the certified letter and dated receipt, within 7 days of the date of the receipt.

Done at Frankfort, Kentucky, this 24th day of September, 1996.

ATTEST:



Executive Director

PUBLIC SERVICE COMMISSION



For the Commission



130 N. FT. THOMAS AVE.
FT. THOMAS, KY. 41075
PHONE 606-441-1055
FAX 606-441-5104

"The City of Beautiful Homes"

RECEIVED

August 26, 1996

AUG 28 1996

Executive Director's Office
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, KY 40602

PUBLIC SERVICE
COMMISSION

Dear Commissioners:

Subject: Case No. 96-376, 930 Highland Avenue, Fort Thomas
Applicant: GTE Mobilnet, Inc.

The City of Fort Thomas Planning Commission has been notified by GTE Mobilnet, Inc., of its intention to construct a 125' monopole and associated equipment at 930 Highland Avenue. A copy of this letter has been attached for reference. Pursuant to KRS 100.324, the Fort Thomas Planning Commission is currently reviewing this proposal for compliance with our comprehensive plan.

Representatives of GTE Mobilnet presented their proposal at the Planning Commission's last regularly scheduled meeting, August 21, 1996. Several issues and concerns were raised at this time, and GTE Mobilnet has been requested to respond to those questions at the next regularly scheduled meeting, September 18, 1996. It is our intention for the Planning Commission to take action at that meeting in order to comply with the sixty (60) day review period accorded by KRS 100.324(4). GTE Mobilnet informed the City that AT&T would also be using this facility. Our comments are limited to GTE Mobilnet as they are the applicants, but our concerns obviously apply to any other telecommunications companies co-locating on this tower.

Although the Planning Commission has not taken formal action as of this date, it is my understanding that the issues the Planning Commission will be reviewing should be forwarded to the Public Service Commission now to help expedite the application and review process. This letter should then be viewed as the Planning Commission's preliminary thoughts, with a resolution being forwarded within sixty (60) days of receipt of our notification letter dated August 8, 1996, as to whether the application in question is found to be in compliance with our locally adopted comprehensive plan.

The City of Fort Thomas Comprehensive Plan, adopted in 1993, does not explicitly speak to the issue of cellular phone towers and associated facilities. However, within the *Goals and*

Objectives Chapter are two (2) sections which specifically address the general nature of the proposed facility and through which the Planning Commission will be determining compliance. These two (2) sections of the 1993 Comprehensive Plan have been included with this letter for reference. To paraphrase these sections, it is a fundamental goal and objective to locate and design centers providing goods and services, so as to maximize consumer safety and convenience while minimizing any adverse environmental effects, and to preserve a pleasant environment for the population by requiring adequate control and monitoring of all potential contributors to all forms of pollution including air, water, visual, noise, etc.

The Planning Commission questions whether the proposed facility meets the test for compliance with the Comprehensive Plan. The primary issues that are cause for concern are as follows:

1. *Proximity of Proposed Cellular Tower to Another Facility.* The proposed GTE monopole would be located within approximately 800 feet of another cellular tower operated by Cellular One. The Planning Commission is concerned that the citizens of this area would be bearing a disproportionate burden with two such towers in close proximity.
2. *Ability of Applicant to Co-Locate Antennae on Existing Structures Or Towers.* The applicant has been requested to provide information as to why the proposed antennae cannot be co-located on existing structures such as the nearby cellular tower, buildings, light poles, water towers, etc. The Planning Commission would like to know if the nearby Cellular One tower could be used, or if one new pole could be constructed that could accommodate multiple users. At a minimum, the proposed tower must be able to accommodate all foreseeable future users. As the telecommunications industry is ever expanding and becoming more competitive in part due to recent federal legislation, the City is trying to be proactive regarding the number, location, and intrusiveness of these types of facilities. The Planning Commission is requesting that every technological avenue be explored to minimize the disruption to our citizens and trusts that current or future business relations with competing companies will not prevent co-location and cooperation.
3. *Proof of Adequate Coverage.* It is our understanding that the proposed GTE tower utilizes the rather new technology of PCS which is a line-of-sight communication device. GTE representatives were unable at the August meeting to assure the Planning Commission that no additional towers would be necessary to guarantee coverage. The proliferation of cellular towers and the growing number of people using these devices, when coupled with the opening of new frequencies by the FCC, causes great concern to the City. As demand of cellular devices grows necessitating greater coverage, the City is concerned that a lack of careful planning now will result in overbuilding of the system in the future. The Planning Commission has asked that GTE provide information to our satisfaction that the proposed locations of PCS antennae provide full coverage, or at a minimum that no additional towers would adversely affect the residents of the

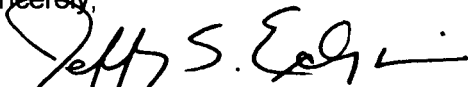
City of Fort Thomas. The coverage issue will also shed light on the necessity of the proposed location and whether other sites might be more appropriate.

4. *General Adverse Impact on the Environment and Property Values.* The Planning Commission is concerned that the proposed tower and accessory structures will have an adverse impact on the surrounding area. The proliferation of these facilities, especially within an urban residential area, may result in a diminution of property values. At a minimum, the visual impact of these types of facilities will result in an adverse impact. The advantages to the communications companies of locating towers in this higher elevation area also means that more residents will be potentially impacted as the facilities will be visible from many other neighborhoods.

The Planning Commission is forwarding these concerns and asking GTE Mobilnet to address the same because it is our duty to ensure that the health, safety and welfare of the citizens of Fort Thomas are preserved and promoted. Furthermore, the Planning Commission is asking the Public Services Commission to ascertain if the applicant has exhausted all possibilities to minimize disruption to our citizens. The Planning Commission will continue to analyze the long-term impact of this proposal against the short-term benefits for the applicant, and is confident the state will do the same. The needs of the consumer must be balanced with the effect of transmission towers upon residential neighborhoods.

In summary, the Planning Commission will be reviewing the above items in greater detail to determine compliance with the City's Comprehensive Plan. Upon final action at our September 18, 1996, meeting, the Planning Commission will forward our findings and conclusions to your office for consideration as part of the record. Should you require additional information at this time, or if the Public Service Commission can be of any assistance to the City in making this determination, please contact me as soon as possible. Thank you for your consideration in this important matter.

Sincerely,



Jeffrey S. Earlywine
City Administrative Officer

Cc: Fort Thomas Planning Commission
GTE Mobilnet, Inc.

Enclosures: 2

McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

W. TERRY McBRAYER
JOHN R. MCGINNIS
PHILLIP BRUCE LESLIE *
WILLIAM D. KIRKLAND
J. D. ATKINSON, JR.
JAMES G. AMATO
GEORGE D. GREGORY **
BRENT L. CALDWELL
W. BRENT RICE
JAMES H. FRAZIER, III
JOHN G. IRVIN, JR.
MEGAN LAKE THORNTON
CHRISTOPHER M. HILL
LISA ENGLISH HINKLE
WILLIAM R. PALMER, JR.
BRUCE W. MACDONALD *
D. BARRY STILZ
MARY WIS ESTES
LUKE BENTLEY III
PATRICK T. PADGETT
MATTHEW W. BREETZ
KELLY A. RANVIER
R. STEPHEN MCGINNIS +
JON A. WOODALL
MARGARET M. YOUNG

* ALSO ADMITTED IN OHIO

** ALSO ADMITTED IN COLORADO

+ ALSO ADMITTED IN WEST VIRGINIA

WATSON CLAY (1908-1985)
OSCAR SAMMONS (1908-1985)

MAIN & HARRISON STREETS
P. O. BOX 347
GREENUP, KENTUCKY 41144-0347
606-473-7303
FACSIMILE 606-473-9003

300 STATE NATIONAL
BANK BUILDING
P. O. BOX 1100
FRANKFORT, KENTUCKY 40602-1100
502-223-1200
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS
MIKE HELTON
FRANKFORT OFFICE
502-875-1176
FACSIMILE 502-226-6234

August 8, 1996

Mr. Ron Dill
Director of Building Services
City of Ft. Thomas, Kentucky
130 North Ft. Thomas Avenue
Ft. Thomas, KY

Re: **Public Notice - Public Service Commission of Kentucky,
Case No. 96-376**

Dear Mr. Dill:

GTE Mobilnet Incorporated has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a personal communications service facility. The facility will include a 125' monopole with attached antennas extending upwards for a total height of 128' and an equipment cabinet to be located at 930 Highlands Avenue, Ft. Thomas, Campbell County, Kentucky. A map showing the location of the proposed new facility is enclosed. This notice is being sent pursuant to KRS 100.324(1).

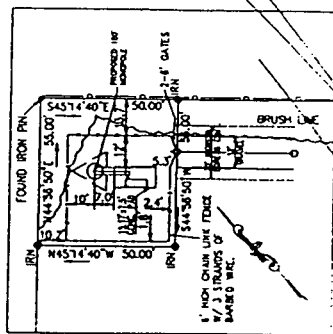
The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within 20 days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, KY 40602. Please refer to Case No. 96-376 in your correspondence.

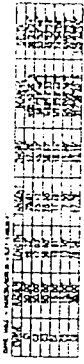
Sincerely,



W. Brent Rice
Counsel for GTE Mobilnet
Incorporated



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CC-BY-NC-ND 4.0

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BASED ON CLOTHICAL SOLE REPORT & HEIGHT OF TOWER

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IT IS REQUESTED THAT YOU ADVISE THE NEW YORK OFFICE OF THE FBI OF ANY DEVELOPMENTS THAT MAY BE RECEIVED FROM YOUR OFFICE.

VERY TRULY YOURS,

JOHN EDGAR HOOVER

ATTORNEY GENERAL

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U.S. DEPT. OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

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RE: NEW YORK OFFICE OF THE ATTORNEY GENERAL
JANUARY 17, 1968

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Effort should be made to develop a transportation system based on anticipated travel movements of people and goods throughout the region. Effort should also be made to develop a balanced total transportation system which incorporates and integrates all transportation modes (including air, water, rail, transit, roadway, and pedestrian access facilities).

3. To achieve the goals of this element without unduly disrupting the goals of other elements.

Transportation facilities (including storage and terminal facilities) should be developed so as not to unnecessarily intrude into, or traverse through, other major areas of concentration. Such facilities should be developed so that they do not usurp a disproportionate share of critical urban land area; so that they do not encourage the escalation of urban sprawl; and so that any adverse effects on existing and proposed land use development along their corridors are minimized.

GOODS AND SERVICES

1. To ensure that the amount and location of facilities providing goods and services is based on need.

Effort should be made to determine the amount and location of facilities providing goods and services, primarily on the basis of what can be supported. Inherent in this objective is the constant need to discourage over - development or premature development of facilities providing goods and services, which are not based on sound findings of need.

2. To locate and design centers providing goods and services so as to maximize consumer safety and convenience while minimizing any adverse environmental effects.

Centers providing goods and services should be conveniently accessible to the population. Different types of centers should be provided which serve the unique needs and desires of different types of consumers -- examples are as follows: centers oriented to serving immediately surrounding residents with daily convenience needs, centers intended to serve the transient public, major commercial centers offering both convenience and comparison goods and services to customers from a large service area. In all cases, design of new or redeveloped facilities, providing goods and services, should contain adequate off - street parking facilities, reasonable control of ingress and egress, landscaping, reasonable separation of vehicular and pedestrian traffic, etc. Such centers should be located and designed so as to minimize any adverse environmental effects.

located, cultural facilities oriented primarily to serving local residents (e.g., churches, theaters, libraries).

2. To coordinate the provision and location of specialized types of cultural facilities in this area with facilities throughout the metropolitan region.

Constant effort should be made to coordinate the provision and location of specialized cultural facilities in order to avoid unnecessary duplication. An ongoing effort should be made to promote coordinated and cooperative use of specialized region - serving cultural facilities wherever they may be located.

RESOURCES AND ENVIRONMENT

1. To ensure the most efficient and reasonable utilization of the area's physical resources while ensuring that any short - term uses of man's environment will be to the long - range benefit of all.

Constant effort should be made to ensure wise utilization or conservation of the area's resources to maximize advantages, simultaneously minimizing any detrimental effects such utilization may cause. Such efforts would encompass a broad range of concerns such as: identifying all environmentally sensitive areas and areas of critical concern; planning and scheduling the use or non - use of such areas; and also determining the use of, and planning for the restoration of, any land areas which might be damaged due to some resource extraction or temporary use. It should also encompass an effort to preserve, conserve, and enhance unusual man - made projects or natural features, which have some unique historical, architectural, or natural value. Effort should also be made to identify and plan for the stabilization of those areas which might be best retained in their rural - like character promoting their value as agricultural resources and/or adequate land reserves for the future.

2. To preserve a pleasant environment for the population.

Constant effort should be made to ensure that all areas are provided with adequate light and air and pleasing surroundings. This will require adequate control and monitoring of all potential contributors to all forms of pollution (air, water, visual, noise, etc.). Provision of sufficient open space in conjunction with all types of new development and redevelopment will also be necessary if this objective is to be achieved.

3. To ensure that planning adequately considers methods of reducing energy consumption and that adequate protection is afforded all energy resources.